

AMENDED IN SENATE JUNE 7, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

Assembly Joint Resolution

No. 41

Introduced by Assembly Member Nation

February 2, 2006

Assembly Joint Resolution No. 41—Relative to immigrant children.

LEGISLATIVE COUNSEL'S DIGEST

AJR 41, as amended, Nation. Immigrant children.

This measure would urge the Congress and the President of the United States to protect unlawful immigrant children by amending the federal immigration law to permit unlawful immigrant children to have an immigration specialist assigned to them prior to their emancipation.

This measure would also urge *the* Congress and the President of the United States to amend the federal Immigration and Nationality Act to allow a child who is adopted while he or she is a dependent of a juvenile court located in the United States to become a United States citizen without being fully admitted for permanent residence.

Fiscal committee: no.

1 WHEREAS, In the past few years, the number of
2 unaccompanied children taken into custody by immigration
3 officials has increased by nearly 30 percent, and is expected to
4 reach an alltime high this year; and

5 WHEREAS, Congress has the power to regulate immigration
6 and naturalization (Art. I, Sec. 8, U.S. Const.); and

7 WHEREAS, Federal authority over immigration matters is
8 very broad; and

1 WHEREAS, Federal immigration law specifically provides
2 that a juvenile who is also an unlawful immigrant ~~my~~ *may* be
3 accorded the status of special immigrant if (a) he or she has been
4 declared a dependent in a juvenile court, or is a person whom the
5 court has legally committed to, or placed under the custody of, an
6 agency or department of a state and he or she has been deemed
7 eligible by that court for long-term care due to abuse, neglect, or
8 abandonment, (b) he or she is a person for whom it has been
9 determined in administrative or judicial proceedings that it would
10 not be in his or her best ~~interest~~ *interests* to be returned to the
11 juvenile's or his or her parent's previous country of nationality or
12 country of last habitual residence, and (c) he or she is a person in
13 whose case the Attorney General expressly consents to the
14 dependency order serving as a precondition to the grant of
15 special immigrant juvenile status (8 U.S.C. Sec. 1101 (a)(27)(J));
16 and

17 ~~WHEREAS, In California if an undocumented child has~~
18 ~~become a dependent of a juvenile court because of abuse or~~
19 ~~neglect and parent rights are terminated, than that child is eligible~~
20 ~~for Special Immigrant Juvenile Status (SIJS); and~~

21 ~~WHEREAS, The child can only obtain legal status while the~~
22 ~~child is a dependent of the court; and~~

23 WHEREAS, If the child is not assigned an immigration
24 specialist to obtain ~~SIJS~~ *Special Immigrant Juvenile Status* prior
25 to emancipation, his or her ability of gaining legal status becomes
26 practically null; and

27 ~~WHEREAS, The Transitional Independent Living Plan (TILP)~~
28 ~~was created to help prepare undocumented children to live on~~
29 ~~their own; and~~

30 ~~WHEREAS, The TILP is not mandatory and is only a~~
31 ~~document of suggested guidelines; and~~

32 WHEREAS, Unless the Child Welfare and Juvenile Court
33 Systems ensure that eligible undocumented children obtain
34 lawful Special Immigrant Juveniles Status prior to their
35 emancipation, these children are destined for lives of instability
36 and fear as outsiders in the only country many have ever known;
37 now, therefore, be it

38 *Resolved by the Assembly and the Senate of the State of*
39 *California, jointly, That the Legislature of the State of California*

1 urges the President and the Congress of the United States to
2 protect these children; and be it further

3 *Resolved*, That the Legislature of the State of California urges
4 the Congress of the United States to amend the federal
5 immigration law to permit these children to have an immigration
6 specialist assigned to them prior to their emancipation; and be it
7 further

8 *Resolved*, That the Legislature of the State of California urges
9 the Congress of the United States to amend Section 320 of the
10 Immigration and Nationality Act to state that if a child has been
11 adopted while a dependent of a juvenile court located in the
12 United States, he or she need not be fully admitted for permanent
13 residence, as required by subsection (a)(3) in order to become a
14 United States citizen pursuant to this section; and be it further

15 *Resolved*, That the Chief Clerk of the Assembly transmit
16 copies of this resolution to the President of the United States, to
17 the United States Secretary for Homeland Security, and to each
18 Senator and Representative from California in the Congress of
19 the United States.